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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,391	03/16/2004	Woonhee Hwang	944-003,207	3686
4955 7590 08/31/2009 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
VU, MICHAEL T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,391

**Applicant(s)**

HWANG ET AL.

**Examiner**

MICHAEL T. VU

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50, 53, 60-62 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-62 and 64-68 is/are rejected.
- 7) ☒ Claim(s) 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 07/21/2009, 06/04/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 50-62, 64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune-A et al (US 2002/0012321) in view of Rune-B (US 6,434,396).**

**Regarding claims** 50, 53, 60, 61, 62, 64, 65, 66, and 67, Rune-A teaches a method of configuring a radio uplink (Figure #1, configured desired reverse/uplink direction, [0032-0033]) comprising: receiving information having both a cell specific parameter (control parameters for cell, [0066]) and a radio link specific parameter (supporting specific radio, [0066]), in respective messages on an interface between a network element (control interface parameters, [0066]) and a radio network controller for configuring the radio uplink from a user equipment to the network element (configured

controller connected to core networks, [0005, 0009]), configuring the radio uplink at the network element (configured interface between, [0009]), and

**But Rune-A does not clearly teach** receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element, wherein at least one of said respective messages enables said configuring the radio uplink.

However, Rune-B teaches receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element (configured received message, Col. 2, lines 23-62), wherein at least one of said respective messages enables said configuring the radio uplink (Figure #2, Col. Lines 19-56, and (see Physical Configuration, Col. 10 line 29 to Col. 11, line 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rune-A, with Rune-B's teaching, in order to reduce the delay for a message directed to a mobile station such as payload information or channel allocation in a radio link that support a multi-user terminals for minimizing the amount of later control signaling within in the communications system.

**Regarding claim 51,** Rune-A and Rune-B teach the method of claim 50, further comprising: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment (acknowledgement, Col. 2, lines 24-51), and sending the payload packet from the network element to the radio network controller following said correct reception from the user equipment (transmit data, Col. 3, line 52 to Col. 3, line 18) of Rune-B.

**Regarding claim 52**, Rune-A and Rune-B teach the method of claim 50, wherein said receiving by said network element includes receiving at least one parameter indicative of boundaries within which choices may be made by said network element (indicate, or acknowledgement, Col. 2, lines 24-51), and (Col. 3, line 66 t Col. 4, line 56) all of Rune-B.

**Regarding claim 54**, Rune-A and Rune-B teach the method of claim 53, wherein said sending by said radio network controller includes sending at least one parameter to said network dement indicative of boundaries within which choices may be made by said network element (see controller, Col. 3, line 66 to Col. 4, line 56) of Rune-B.

**Regarding claim 55**, Rune-A and Rune-B teach the method of claim 53, further comprising sending the information on an interface between the radio network controller (Col. 3, lines 44-65) and another radio network controller for relay to another network element for configuring an uplink between the other network element and the user equipment (controller configured, Col. Lines 19-56, and physical configuration, Col. 10 line 29 to Col. 11, line 31) of Rune-B.

**Regarding claim 56**, Rune-A and Rune-B teach the method of claim 53 wherein prior to said sending said information element on said interface between said network element (Mobile station prior send message, see Claim 16) and said radio network controller (Determines or decides, Col. 5, line 32 to Col. 6, line 8), said radio network controller decides a value for said cell specific parameter (Result of measurements , Col. 5, lines 6-31) **or** said radio link specific parameter (Col. 1, line 65 to Col. 2, line 9), **or** both, for said sending said information element with said cell specific parameter and

said radio link specific parameter in said **one or** more messages on said interface from said radio network controller to said network element (Col. 3, lines 52 to Col 4, line 18) all of Rune-B.

**Regarding claim 57**, Rune-A and Rune-B teach the method of claim 53, wherein said radio network controller is responsive to signaling from said network element with a proposed value (see value control parameter, [0056-0057]) **or** values for said cell specific parameter (specific parameters, [0044-0046]), said radio link specific parameter (specific parameters, [0044-0046]), **or** both, and said radio network controller carries out said sending said information element either confirming **or** changing said proposed value **or** values (see control parameters, 0054-0058)) all of Rune-A.

**Regarding claim 58**, Rune-A and Rune-B teach the method of claim 55, wherein said configuring the uplink between the other network element and the user equipment comprises configuring the uplink between the other network element (configured received message, Col. 2, lines 23-62) and the user equipment followed by sending the payload packet from the user equipment to the other network element over the radio uplink between the user equipment (sends payload, Col. 1, line 59 to Col. 2, line 51) and the other network element for sending the payload packet to the radio network controller (RNC, Col. 3, line 53 to Col. 4, line 18) all of Rune-B.

**Regarding claim 59**, the combination of Rune-A and Rune-B teach the method of claim 58, further comprising: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment (acknowledgement, Col. 2, lines 23-45), and acknowledging correct

reception of the payload packet at the other network element on a radio downlink from the other network element to the user equipment (acknowledgement, Col. 2, lines 23-45), and (Col. 3, lines 52-65) all of Rune-B.

**Regarding claim 68**, Rune-A and Rune-B teach the apparatus of claim 67, wherein the network element is arranged to acknowledge reception of the payload packet (acknowledge reception, Col. 2, lines 23-45), on a radio downlink from the network element to the user equipment (Col. 2, lines 23-45), and (Col. 3, lines 52-65) all of Rune-B.

***Allowable Subject Matter***

4. Claim 63 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten **claim 63** in independent form including all of the limitations of the base claim and any intervening claims.

**With respect to claim 63, the prior art of record fails to teach alone or in combination**, wherein the information is arranged to configure a second radio uplink between the second network element and the user equipment, the first radio network controller being configured to receive a payload packet from the network element over the first interface, the second radio network controller being configured to receive the payload packet from the second network element after receipt by the second network

element from the user equipment over the second radio uplink, and the second radio network controller being configured to send the payload packet received from the second network element to the radio network controller following the reception by the second network element from the user equipment for transfer from the second radio network controller to the first radio network controller.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/  
Examiner, Art Unit 2617